

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MARIA ARIAS AMPARO,

Plaintiff,

20 CIVIL 10285 (JMF)(SDA)

-v-

**JUDGMENT**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated August 3, 2022, the Court has reviewed the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. In short, Magistrate Judge Aaron correctly concluded that remand is required because the Administrative Law Judge ("ALJ") did not consider Plaintiffs' non-severe mental impairments when determining her Residual Functional Capacity. Accordingly, the Report and Recommendation is adopted in its entirety and the case is remanded for further proceedings consistent with the Report and Recommendation. As Magistrate Judge Aaron notes, on remand, the ALJ should consider whether Dr. Howard Tedoff's opinion creates an ambiguity that requires further development of the record. See R&R 23-24. The Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from the Order would not be taken in good faith, and in forma pauperis status is thus denied. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

**Dated:** New York, New York  
August 3, 2022

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. mango*

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**Deputy Clerk**